

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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Katherine Rossi,

Plaintiff,

v.

Walgreen Co.,

Defendant.

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Civil Action No.: \_\_\_\_\_

**COMPLAINT**

For this Complaint, the Plaintiff, Katherine Rossi, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* ("TCPA").
2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

**PARTIES**

4. The Plaintiff, Katherine Rossi ("Plaintiff"), is an adult individual residing in Chester Springs, Pennsylvania, and is a "person" as defined by 47 U.S.C. § 153(39).
5. The Defendant, Walgreen Co. ("Walgreen"), is an Illinois business entity with an address of 200 Wilmot Road, Deerfield, Illinois 60015, and is a "person" as defined by 47 U.S.C. § 153(39).

**FACTS**

6. Within the last two years, Walgreen called Plaintiff on her cellular telephone, number 215-XXX-2603.

7. Walgreen called Plaintiff from telephone number 402-220-1100, using an automated telephone dialing system (“ATDS”) and artificial or prerecorded messages.

8. When Plaintiff answered calls from Walgreen she heard prerecorded advertisements for Walgreen stores.

9. On other occasions when Plaintiff answered calls from Walgreen she heard prerecorded messages regarding Plaintiff’s prescriptions.

10. In or around the Spring of 2014, Plaintiff visited a Walgreen store and requested that Walgreen cease calling her cellular telephone number and the employee confirmed calls would cease.

11. Nevertheless, Plaintiff continued to receive ATDS calls from Walgreen.

**COUNT I**

**VIOLATIONS OF THE TCPA –  
47 U.S.C. § 227, ET SEQ.**

12. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. At all times mentioned herein and within the last four years, Defendant called Plaintiff on her cellular telephone using an automatic telephone dialing system (“ATDS”) and a prerecorded or artificial voice.

14. Despite being directing to cease all calls, Defendant continued to place automatic telephone calls to Plaintiff’s cellular telephone. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

15. The telephone number called by Defendant was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

16. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

17. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call made in negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 for each call made in knowing and/or willful violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C)

**PRAYER FOR RELIEF**

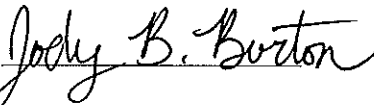
**WHEREFORE**, the Plaintiff prays that judgment be entered against the Defendants:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: July 6, 2015

Respectfully submitted,

By 

Jody B. Burton, Esq.

Bar No.: 71681

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